M

Mysore. II-57—40,000—27-10-56.

Development (195 C.) Department

M SERIES.

G.O. No. 3286 - 87

Dated 22nd August 1950

12

FOR MYSORE STATE

[Despatch Abstract.]

G.O.No. 3286-3287/22-8-50 Acts -.Industrial Disputes (Appellate Tribunal) Act, 1950 - Constitution of the Labour Appellate Tribunal & Govt. of India's notifications - Republished..

Acts - Industrial Disputes (Appellete Tribunal) Act, 1950 - Promulgation of rules under Sec.35 of the Act - Govt. of India's Notification - Republished.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR.

No.LR-91(2) Dated New Delhi the 9th August '50

From

Shri. N.C.Kuppuswami, B.A.(Hons):

Under Secretary to the Government of India,

To

All States.

Subject:- Industrial Disputes (Appellate Tribunal) Act.1950 - Constitution of the Labour Appellate Tribunal.

Sir,

I am directed to forward herewith for information a copy of the Gazette of India Extraordinary dated the 8th August,1950, containing the following three Notifications relating to the constitution of the Labour Appellate Tribunal under the Industrial Disputes (Appellate Tribunal) Act,1950 and the promulgation of Rules under section 35 of the Act:-

(i) No. LR-91(2)/I dated the 8th August,1950

(ii) No.LR-91(3) dated the 8th August 1950 and

(iii) No.LR-91(2) dated the 8th August,1950.

Yours faithfully,-

-Sd/-

(N.C. Kuppuswami)

Under Secretary to the Government of India.

-True copy-

THE GAZETTE OF INDIA

EXTRAORDINARY

PART I- Section 1

PUBLISHED BY AUTHORITY.

No.64 New Delhi, Tuesday, August 8, 1950.

Ministry of Labour.

Notifications.

NEW DELHI, THE 8TH AUGUST 1950.

No.LR.91(2)/I.- In exercise of the powers conferred by sections 4 and 6 of the Industrial Disputes (Appellate Tribunal) Act,1950 (XLVIII of 1950), the Central Government is pleased to constitute, with effect from the 8th August 1950, a Labour Appellate Tribunal, having its principal seat at Bombay consisting of the following Members:-

Shri J.N. Mazumdar, Retired Judge of the High Court of Judicature, Calcutta- CHAIRMAN.

Shri E. Jeejeebhoy, Chairman, Central Government Industrial Tribunal, Calcutta- MEMBER.

No.LR.91(3).- In exercise of the powers conferred by section 35 of the Industrial Disputes (Appellate Tribunal) Act,1950 (XLVIII of 1950), the Central Government is pleased to make the following rules:-

1. Short title:- These rules may be called the Industrial Disputes (Appellate Tribunal) Rules, 1950:-

2. DEFINITIONS - In these rules,-

(a) "Act" means the Industrial Disputes (Appellate Tribunal) Act,1950.

(b) " form" means a form appended to these rules;

(c) " Registrar" means the person who is for the time being discharging the functions of the Registrar of the Tribunal:

(d) " Tribunal" means the Labour Appellate Tribunal constituted by the Central Government under section 4 of the Act.

(e) all other words and expressions not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. FORM OF APPEAL - Every appeal shall be preferred to the Tribunal in Form A and shall be signed by the appellant.

4. PRESENTATION:- (1) A memorandum of appeal to the Tribunal shall be presented by the appellant in person or by an agent, to the Registrar at the principal seat of the Tribunal or to an officer authorised in this behalf by the Registrar, with the approval of the Chairman of the Tribunal or sent by registered post addressed to the Registrar or such officer.

(2) Every memorandum of appeal shall be presented in triplicate and shall be accompanied by-

(a) two copies (one at least of which shall be certified copy) of the award or decision appealed from, and

(b) a fee of Rs.25.

Provided that the Tribunal may, at its discretion, accept a memorandum of appeal which is not accompanied by the documents referred to in clause (a)

5. DATE OF PRESENTATION:- Where a memorandum of appeal is presented, the Registrar or other authorised officer shall endorse thereon the date of presentation:

Provided that where a memorandum of appeal is sent by registered post, it shall be deemed to have been presented on the day on which it is received in the office of the Registrar or as the case may be in the office of the authorised officer.

6. SIGNATURE ON MEMORANDUM OF APPEAL WHERE AN APPEAL IS BY COPPORATION OR FIRM:- In the case of an appeal by a corporation, the memorandum of appeal may be signed by the secretary or by any director or other principal officer of the corporation, and in the case of an appeal by a firm, such memorandum of appeal may be signed by any partner of the firm.

7. REJECTION OR AMENDMENT OF MEMORANDUM OF APPEAL-(1) Where a memorandum of appeal is not drawn up in the manner hereinbefore prescribed, the Tribunal may reject it or return it to the appellant for the purpose of being amended within a time to be fixed by the Tribunal or be amended then and there.

(2) Where the Tribunal rejects any memorandum of appeal, it shall

record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the Tribunal or such officer as it may appoint in this behalf shall sign or initial the amendment.

8. DATE FOR HEARING APPEAL:- (1) Where a memorandum of appeal is presented in the proper form, the Tribunal shall fix a date for hearing the appeal.

(2) Notice of the date fixed under sub-rule(1) shall be affixed in the premises where the Tribunal sits and shall be served on the respondent in the manner provided for the service on a defendant of a summons under the Code of Civil Procedure, 1908; and all the provisions applicable to such summonses and to proceedings with reference to the service thereof shall apply to the service of such notice.

9. PROCEDURE ON HEARING--(1) On the date fixed or any other date to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Tribunal shall then if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such a case the appellant shall be entitled to reply.

10. DISMISSAL OF APPEAL FOR APPELLANT'S DEFAULT--(1) Where on the date fixed or any other date to which the hearing may be adjourned the appellant does not appear when the appeal is called on for hearing, the Tribunal may make an order that the appeal be dismissed.

(2) Where the appellant appears and the respondent does not appear, the appeal shall be heard EXPARTE.

11. POWER TO ADJOUR HEARING AND DIRECT PERSONS APPEARING INTERESTED TO BE MADE RESPONDENTS: (1) Where it appears to the Tribunal at the hearing that any person who was a party to the proceedings relating to the award or decision appealed from but who has not been made a party to the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a future date to be fixed by the Tribunal and direct that such person be made a respondent.

12. ORDER IN APPEAL - The Tribunal, after hearing the parties and referring to any part of the proceedings, shall pronounce judgment either at once or on some future date of which notice shall be given to the parties.

13. LANGUAGE - The language of the Tribunal shallbe English.

FORM 'A'

Before the Honourable Labour Appellate Tribunal(Constituted under the Industrial Disputes(Appellate Tribunal) Act,1950).

Memorandum of Appeal to the Tribunal

Appeal No. ..... of 19...

..... Appellant/s

Address:-

Versus:-

B..... Respondent/s.

Address:-

In the matter of ....

The appellant/s above named beg/s :- to appeal against the ward or decision of..... .....

made on .... in the above matter on the following amongst other grounds:-

1. That .....

2. That..... etc.

Certified copy of the award or decision appealed against(together with a spare copy) is enclosed herewith.

(1) Signature or thumb
Impression of appellant/s.

Date.....

The appellant/s does/do solemnly declare that what is stated in paragraph... above is true to my knowledge, in paragraph..... to my belief and in paragraph.....to my information. The verification is signed at .....

on..... day of 19

(2) Signature or thumb,
impression of appellant/s

Drafted by
Place

Signature etc.
K.N. SUBRAMANIAN, Jt.Secy.

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THE GAZETTE OF INDIA.

EXTRAORDINARY

PART I—Section 2.
PUBLISHED BY AUTHORITY

No.14 New Delhi, Tuesday, August 8, 1950.

Ministry of Labour.

Notification

New Delhi, the 8th August 1950.

No. LR.91(2)- Mr. V.S. Varde, Secretary, All India Industrial Tribunal (Bank Disputes) Bombay, is until further orders appointed as Registrar of the Labour Appellate Tribunal, constituted under the Notification of the Government of India in the Ministry of Labour No.LR.91(2)/I, dated the 8th August 1950.

.....
K.N. SUBRAMANIAM, Jt. Secy.

..... -True copy-

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Acts- Industrial Disputes (Appellate Tribunal) Act, 1950- Constitution of the Labour Appellate Tribunal - Government of India's notifications- Republished.

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(ii) No.LR.91(2), dated the 8th August, 1950.

(By order of His Excellency the Governor),

Sd/ P.S. Viswanatha Ayyar.
Secretary to Government
21-8-50

To

The Superintendent, Government Press,

Copy to the Commissioner of Labour.

RR.3-9

9

Acts - Industrial Disputes--(Appellate Tribunal) Act, 1950- Promulgation of rules under Section 35 of the Act - Government of India's Notification - Republished.

DEVELOPMENT DEPARTMENT

G.O.Ms.3287. Dated 22nd August 1950
Read:

Letter from the Government of India, Ministry of Labour,

No.91(2) dated 9th August 1950.

ORDER

The Notification of the Government of India, No.LR.91(3) dated the 8th August 1950 relating to the promulgation of the Industrial Disputes (Appellate Tribunal) Rules, 1950 will be republished in the Fort St. George Gazette.

The Commissioner of Labour may get from the Superintendent.

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Government Press copies of rules required for use in this department.

(By order of His Excellency the Governor).

Sd/ P.S. Viswanatha Ayyar.
Secretary to Government

To

The Superintendent, Government Press,

with enclosure.

Copy to the Commissioner of Labour,

-True copy-

R .3-9

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GOVERNMENT OF INDIA

Ministry of Labour.

No.L.R.91(2) Dated New Delhi, the 14th September 1950.

From

Shri N.C. Kuppuswami, B.A., (Hons),
Under Secretary to the Government of India.

To

(1) All State Governments (Part A, B, & C)

(2) All India Organisations of Employers and Workers.

SUBJECT:- Labour Appellate Tribunal.

Sir,

In continuation of this Ministry letter No.LR.91(2)., dated the 9th/12th August 1950, I am directed to forward herewith a copy of a Press Note issued on the 30th August 1950 indicating the procedure for filing appeals before the Labour Appellate Tribunal.

Yours faithfully
Sd/.....
(N.C. Kuppuswami)
Under Secretary.

-True Copy-

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PRESS INFORMATION BUREAU.

GOVERNMENT OF INDIA.

PRESS NOTE.

CENTRAL LABOUR APPELLATE TRIBUNAL

Procedure for filing appeals.

The jurisdiction of the Central Labour Appellate Tribunal with its principal seat at Bombay, extends throughout the Union of India excepting the State of Jammu and Kashmir.

Steps a e being taken to set up a Bench of the Tribunal at Calcutta but pending its formation appeals on matters specified in section 7 of the Industrial Disputes (Appellate Tribunal) Act 19 from the awards and decisions of Industrial Tribunals, Courts, etc., whether constituted under the Central Industrial Disputes Act 1947 or a State Act, will lie to the Appellate Tribunal. The Rules relating to the filing of appeals have been published in a Gazette of India, Extraordinary, dated August 8, 1950 under the title "Industrial Disputes (Appellate Tribunal) Rules, 1950".

Appeals are to be presented in the form prescribed in the rules and should be submitted in triplicate accompanied by a fee of Rs.25/- to be paid in cash and two copies of the award or decision appealed from, to the Registrar, Labour Appellate Tribunal, Council Hall, Fort, Bombay.

Ministry of Labour.
New Delhi, August 30,1950.

-True copy-

RR.3.9

Superintendent.